

The following questions and answers provide guidance on qualifying quarters for an alien.

1. What kind of earnings qualify as a quarter of work?

Covered earnings are wages or self-employment income creditable for Social Security benefits. Uncovered earnings are other earnings. Covered earnings qualify. Uncovered earnings of Federal civilian employees hire before 1984, earnings of employees of State and local governments, and certain agricultural and domestic earnings qualify. Based on a letter from the Committee on Ways and Means and a DOJ interpretation, it was the intent of Congress that any earnings of a noncitizen for work legally performed in the United States— not just covered earnings—should be used in the quarters of coverage calculation.

2. What if a noncitizen worked in the U.S. legally but lived in another country during the time the work was performed?

If the noncitizen worked legally in work covered by social security and paid social security taxes, the quarters worked would count. It is not necessary for the alien to reside in the U.S. during the period the work occurred if the work is covered by social security. However, quarters worked in another country cannot be counted.

3. Whose quarters can be counted?

Quarters earned by (1) the alien, (2) a parent while the alien was under 18, and (3) a spouse during their marriage if the marriage continues or the spouse is deceased. Quarters are credited in the case of a common law marriage or if the couple is holding themselves out to the community as husband and wife. An alien of any age can be credited with quarters earned by a parent through the quarter the alien attains age 18, regardless of whether the parent is currently living. Quarters earned by a current spouse and one or more deceased spouses during marriage can be added together and credited.

4. A noncitizen was certified based on quarters earned by a spouse. Subsequently, the couple divorce. Is the noncitizen now ineligible? Would the noncitizen be considered eligible at the next recertification or if he or she reapplied after a break in participation?

A former spouse's quarters cannot be credited if the marriage ended, unless by death, before a determination of the alien's current eligibility is made. In the example given, the noncitizen would become ineligible at time of recertification or if there is a break in participation when the alien reapplies.

5. In trying to determine whether or not the members of an applicant household have sufficient quarters, should the number of years and quarters reported for each person be added and can the same quarters be credited for all noncitizens? For example, a husband and wife and two minor children, all of whom are immigrants, apply for benefits. They have all been living together in the U.S. for 5 years. The husband and wife each worked 20 quarters.

Each spouse can claim the quarters worked by the other spouse and the children can

claim the quarters worked by their parents. In the example given, each of the 4 people would have 40 quarters.

6. Can quarters of coverage earned by minor children be credited to their parents?

No. Credits can be claimed only for the work of a spouse or parent.

7. If a child has no parents in the U.S., can the child qualify based on the quarters of the adult who is assuming parental responsibility for the child?

Only quarters earned by a natural, adoptive, or step-parent can be credited to a child.

8. What quarters earned by an adoptive parent may be included?

All quarters earned by an adoptive parent can be credited through the quarter the alien attains age 18 if the adoption occurred before the alien attained age 18. Quarters earned by a biological parent whose parental rights are lost as a result of the adoption of the child by another person are not creditable.

9. What quarters earned by a step-parent may be included?

Quarters earned by a step-parent can be credited from the quarter of the marriage of the step-parent and the natural or adoptive parent through the quarter of attainment of age 18 if the marriage between the step-parent and the natural or adoptive parent occurred before the alien attained age 18 and has not ended by divorce or annulment before the 40 quarter determination is made. Quarters can be credited if the natural or adoptive parent and step-parent are separated but not divorced. Quarters can be credited from both natural or adoptive parents and the step-parent during the time the step-parent is married to the natural or adoptive parent if the marriage between the step-parent and the nature or adoptive parent occurred before the alien attained age 18 and has not ended by divorce or annulment.

10. Are quarters earned by a parent before a child enters the U.S. counted in determining the eligibility of the child?

Yes. All quarters earned prior to the alien's birth through the quarters the alien attained age 18 can be credited.

11. A quarter creditable after December 31, 1996 cannot be counted if the noncitizen or the noncitizen's spouse or parent received any Federal means-tested public benefit during the quarter. What programs qualify as Federal means-tested public benefits?

The agency administering the program determines if the program qualifies. As of now, the SSI, Medicaid, Food Stamp and Temporary Assistance for Needy Families have been determined officially to be Federal means-tested public benefits for purposes of this provision.